



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

August 27, 2019

Via ECF

The Honorable Paul A. Crotty
United States District Judge
Southern District of New York
United State Courthouse
500 Pearl Street, Courtroom 14C
New York, New York 10007

Re: *United States v. Joshua Adam Schulte*, S2 17 Cr. 548 (PAC)

Dear Judge Crotty:

We respectfully submit this letter in connection with the schedule relating to Counts One through Eleven of the above-referenced Indictment, which include charges related to the theft and transmission of classified information, false statements, obstruction of justice, and contempt of court (the “Espionage Trial”). The Government understands that the defendant is seeking to adjourn the Espionage Trial until January 13, 2020. Although the Government is prepared to start trial as scheduled on November 4, 2019, the Government does not oppose the defendant’s adjournment request with the understanding that the defendant will not seek another adjournment of the Espionage Trial absent exceptional and unforeseen circumstances and that the parties will follow the revised schedule set forth in Exhibit A, assuming that that schedule is acceptable to the Court.¹ In connection with the proposed schedule, the Government understands that defense counsel is unavailable for hearings or conferences between October 17 and 21, 2019.

The Government also respectfully requests that the Court exclude time under the Speedy Trial Act in the interests of justice through the rescheduled trial date. The bases for the adjournment are the pending motion practice and so that the parties can continue preparing for trial.

¹ The Government recognizes that the proposed schedule would necessarily change should the Court grant the defendant’s motion, filed yesterday afternoon, seeking to sever the Espionage Trial into two trials—one addressing the counts related to the WikiLeaks’ disclosures and another addressing the counts related to the disclosure of classified information from prison. As reflected in Exhibit A, the Government proposes filing its opposition to that motion by September 6, 2019.

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On August 22, 2019, the Government sent defense counsel a proposed schedule in connection with an anticipated January 13, 2020 trial date. The Government subsequently revised the proposed schedule to incorporate several of defense counsel's requests, which are reflected in Exhibit A, and sent the revised schedule to defense counsel on August 26, 2019. Defense counsel has not responded to subsequent emails from the Government asking whether defense counsel consents to the revised schedule and the exclusion of time through the rescheduled trial date.

Respectfully submitted,

GEOFFREY S. BERMAN

United States Attorney

By: _____/s/

David Denton / Sidhardha Kamaraju /

Matthew Laroche

Assistant United States Attorneys

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Cc: Defense Counsel (via ECF)

Daniel Hartenstine, Court Information Security Officer (via Email)

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

JOSHUA ADAM SCHULTE,

Defendant.

S2 17 Cr. 548 (PAC)

[PROPOSED] ORDER

PAUL A. CROTTY, United States District Judge:

The parties shall comply with the following pretrial schedule:

Pretrial Filings and Other Deadlines

August 29, 2019

Defendant to file reply briefs, if any, in response to the Government's opposition to the defendant's pretrial suppression motions submitted on August 2, 2019.

Government to file its opposition to the defendant's classified motion relating to a redacted document produced in classified discovery.

September 6, 2019

Government to file its response to the defendant's conflict letter, dated August 26, 2019.

September 9, 2019

Defendant to file his notice pursuant to CIPA Section 5 detailing the classified information that he reasonably expects to disclose or cause to disclose in connection with trial or any pretrial proceeding. Defendant reserves his right to supplement his Section 5 notice in advance of trial.

Government to file its opposition to the defendant's classified motion, dated August 26, 2019.

October 4, 2019

Government to provide notice to the Court and the defendant pursuant to CIPA Section 6(a) and (b) that it is requesting a hearing concerning the use, relevance, or admissibility of classified information at trial or any pretrial hearings.

Parties to provide expert notice, if any.

October 18, 2019	Defendant to file opposition to the Government's notice under CIPA Section 6(b).
November 22, 2019	Government to file its motion pursuant to CIPA Section 6(c), if any, proposing alternative procedures for the disclosure of classified information authorized by the Court to be disclosed at trial.
	Parties to file motions in limine and 404(b) notice.
	Parties to file requests to charge and voir dire.
December 6, 2019	Defendant to file his opposition to the Government's motion pursuant to CIPA Section 6(c).
	Parties' to file oppositions to motions in limine.
	Government to produce 3500 and <i>Giglio</i> material (if not already produced).

Pretrial Hearing and Conference Dates

October __, 2019	Court to hold a hearing to address the defendant's pretrial motions, if necessary (parties propose week of October 14).
November __, 2019	Court to hold a hearing pursuant to CIPA Section 6(a), if necessary (parties propose week of November 11).
December __, 2019	Court to hold a hearing pursuant to CIPA Section 6(c), if necessary (parties propose week of December 16).
December __, 2019	Court to hold final pretrial conference (parties propose week of December 16).

SO ORDERED.

Dated: August __, 2019
New York, New York

THE HONORABLE PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE